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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,371	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24.737	5132

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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/27/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/382,371

Applicant(s)

PHILYAW ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 June 2003 has been entered.
2. This Action is in response to the communication received on 04 June 2003.
3. Claims 12-23 were cancelled.
4. Claims 1-11 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hudetz et al.** US patent no. **6,199,048 B1** in view of **Call** US patent no. **6,154,738**.

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7. As to claim 1, Hudetz, System And Method For Automatic Access Of Remote Computer Over A Network, discloses a method for interconnecting a user's location to a select one of a plurality of destination locations on a network (Hudetz, Fig. 1, computer 28 to remote node 24 or 26 on communication link 50), comprising the steps of:

receiving unique information (Hudetz, Fig. 3, the product 's UPC) at the user's location before being connected to the network, which unique information has no associated routing information embedded therein (Hudetz, to access a network resource relating to a particular product, the user swipes a bar code reader across the product's UPC symbol, col. 3, lines 31-34; col. 11, 30-42); However, Hudetz does not explicitly disclose assembling a message packet containing the product information; transmitting the message packet to an intermediate node on the network having associated therewith a database. Thus, the artisan would have been motivated to look to the related internetworking art for potential methods and systems for implementing assembling a message packet containing the product information; transmitting the message packet to an intermediate code on the network having associated therewith a database.

In the same field of endeavor, Call, a related Methods And Apparatus For Disseminating Product Information Via The Internet Using Universal Product Codes, discloses in the internetworking art the assembling a message packet (cross-reference) containing the product information; transmitting the message packet to an intermediate node (Call, Fig. 1, Product Code Translator 101) on the network having associated therewith a database. Call discloses that in Fig. 2, manufactures submit the cross-

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references which relates their assigned universal product codes to associated internet addresses where information relating to their products may be obtained, col. 5, line 29 – col. 6, line 15). Call also suggests that the Product Code Translator as an Internet Resource, storing cross-references between universal product codes identifying specific products, and Internet addresses specifying the locations at which information about these products may be obtained (Call, col. 1, line 60 – col. 2, line 3).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Call's teachings of the cross-referencing database to refer a product information inquiry to the server operated by the manufacturer, with the remainder of the product code being sent to the manufacturer's server to identify the particular product (Call, col. 2, lines 35-52) with the teachings of Hudetz, for the purpose of reducing the size of the cross-referencing database and further simplifying the process of registering manufacturers and maintaining the database (Call, col. 2, lines 44-52).

Hudetz-Call discloses receiving from the intermediate node on the network instructional code that includes routing information that instructs the user location to connect to one of the plurality of destination locations on the network that has defined association with the unique information defined in a database at the intermediate location on the network (Call, col. 1, line 60 – col. 3, line 27; col. 18, lines 8-33); and

Hudetz-Call discloses, interconnecting, in response to the step of receiving from the intermediate location (Call, Fig. 1, item 101) on the network instructional code and without any intervention at the user location, the user's location to the one of the

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plurality of destination locations across the network in accordance with the network routing information and accordance with the received instructional code such that connection to the one of the plurality of destination locations is controlled by the intermediate location (Call, Fig. 1, item 101, col. 15, line 25 – col. 19, line 10).

8. As to claim 2, Hudetz-Call discloses the network comprises a global communication network (Hudetz, Internet, Fig. 1, internet 20; Call, Figs. 1, 8).

9. As to claim 3, Hudetz-Call discloses the step of receiving the unique information comprises receiving machine-readable code having unique information embedded therein (Hudetz, Abstract, Figs. 1, 2, item 46; Call, Abstract, col. 7, lines 3-38).

10. As to claim 4, Hudetz-Call discloses the step of receiving the machine readable code comprises scanning the machine readable code, decoding the machine readable code and outputting the information encoded within the machine readable code (Hudetz, Abstract, col. 6, lines 59-67; col. 12, lines 1-23; Call, col. 1, line 34 – col. 3, line 27).

11. As to claim 5, Hudetz-Call discloses, wherein the machine-readable code comprises a product code, which product code is fixedly associated with an associated product (Hudetz, Figs. 1-3, item 46; col. 6, lines 59-67).

12. As to claim 6, Hudetz-Call discloses, wherein the product code comprises a barcode (Hudetz, Figs. 1-3, item 46; Call, col. 7, lines 3-38).

13. As to claim 7, Hudetz-Call discloses, wherein the product code comprises an ISBN number associated with printed materials (Hudetz, col. 10, lines 1-3; Call, col. 17, line 11 – col. 8, line 7).

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14. As to claim 8, Hudetz-Call discloses, wherein the product code comprises an EAN barcode (Hudetz, col. 10, lines 1-3; Call, col. 4, lines 46-57).

15. As to claim 9, Hudetz-Call discloses, further comprising the step of receiving from the one of the plurality of destination locations at the user location display information generated by the one of the plurality of destination locations which is displayed to the user at the user location (Hudetz, col. 9, lines 5-20; Call, Fig. 5, item 334).

16. As to claim 10, Hudetz-Call discloses the step of receiving from the intermediate location on the network instructional code comprises:

comparing the received unique information at the intermediate location with a database of routing information, which database of routing information includes a plurality of associative relationships between predetermined unique information and locations of various ones of the plurality of destination locations on the network (Hudetz, Fig. 4; call, Fig.2, items 213, 215, 211); and

if an association between the received unique information and routing information on any of a plurality of destination locations on the network exists within the database, returning the associated routing information as part of instructional code back to the user location for effecting a network connection to the one of the plurality of destination locations indicated by the routing information (Hudetz, Fig. 5, boxes 88, 90es 88, 90; col. 9, lines 55-65; Call, Fig. 5, col. 2, lines 3-63; col. 18, line 1 – col. 19, line 10).

17. As to claim 11, Hudetz-Call discloses, wherein the steps of returning and interconnecting include the step of activating a web browser program which facilitates the interconnection over the network in response to receiving the instructional code

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including the unique information, which web browser program is operable to at least provide the interconnection of the user location to the destination location in accordance with the associated routing information under control of the intermediate location (Hudetz, col. 10, lines 58-67; col. 11, lines 1-23; Call, Fig. 1, item 101).

### **Conclusion**

18. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-380/4700.

Hai V. Nguyen  
Examiner  
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KENNETH R. COULTER  
PRIMARY EXAMINER

